

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MATTHIAS KERR, and  
CHRISTINE CHARLINE KERR,

Defendants.

NO. CR-05-2092-RHW

**ORDER DENYING  
GOVERNMENT'S MOTION FOR  
EXTENSION OF TIME TO FILE  
RESPONSES TO MOTION TO  
SUPPRESS; STRIKING  
DEFENDANT'S PRO SE FILINGS**

Before the Court is the Government's Motion for Extension of Time to File Responses to Motion to Suppress (Ct. Rec. 95). The motion was heard without oral argument. The Government asks for more time to file its response to Defendant Christine Kerr's Motion to Suppress.

Also, on December 14, 2005, Defendant Joseph Kerr filed two *pro se* motions: Motion for Pre-Trial Release (Ct. Rec. 97) and Motion to Dismiss (Ct. Rec. 98). Once an attorney has appeared in a case, the party is prohibited from acting *pro se* in the cause. *See* LR 83.2(d). Thus, these motions are not properly before the Court. Defendant should consult with James Trujillo, his counsel of record, to determine whether a particular motion should be refiled by him.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion for Extension of Time to File Responses to Motion to Suppress (Ct. Rec. 95) is **DENIED**. The Government shall file its response to Defendant's Motion to Suppress on or before 9:00 a.m., Friday, December 23, 2005. A hearing on Defendant's Motion to Suppress will be held on

**ORDER DENYING GOVERNMENT'S MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSES TO MOTION TO SUPPRESS; STRIKING  
DEFENDANT'S PRO SE FILINGS ~ 1**

1 December 29, 2005, at 10:00 a.m., in Yakima, Washington before the Honorable  
2 Robert H. Whaley.

3 2. A pretrial hearing is **set** for December 29, 2005, at 10:00 a.m., in  
4 Yakima, Washington before the Honorable Robert H. Whaley.

5 3. The Court **strikes** the following pleadings:

6 a. Motion for Pre-Trial Release (Ct. Rec. 97); and

7 b. Motion to Dismiss (Ct. Rec. 98).

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
9 order and to provide copies to counsel.

10 **DATED** this 20th day of December, 2005.

11  
12 s/Robert H. Whaley

13 ROBERT H. WHALEY  
14 Chief United States District Judge

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